

MISSOURI BOARD OF PHARMACY

2009 ANNUAL REPORT
July 1, 2008 through June 30, 2009



**JEREMIAH W. (JAY) NIXON, GOVERNOR
STATE OF MISSOURI**

**JOHN M. HUFF, DIRECTOR
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

**JANE A. RACKERS, DIRECTOR
DIVISION OF PROFESSIONAL REGISTRATION**

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**DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL
REGISTRATION
DIVISION OF PROFESSIONAL REGISTRATION
BOARD OF PHARMACY MEMBERS AND STAFF**

**P.O. BOX 625
3605 MISSOURI BOULEVARD
JEFFERSON CITY, MISSOURI
PHONE (573) 751-0091
FAX (573) 526-3464
Web Site <http://www.pr.mo.gov/pharmacists.asp>
Email: pharmacy@pr.mo.gov**

BOARD MEMBERS

**James D. Riddle, R.Ph., President
Barbara A. Bilek, R.Ph., Vice President
Pamela L. Marshall, R.Ph., Member
Melissa A. Graham, R.Ph., Member
Gary F. Sobocinski, R.Ph., Member
Anita K. Parran, Public Member
Elaina M. Wolzak, R.Ph., Member**

BOARD INSPECTORS

**Thomas Glenski, R.Ph., Chief Inspector
Michael Kidd, R.Ph., Inspector
Shawn Marshall, R.Ph., Inspector
George McConnell, R.Ph., Inspector
Steven Smith, R.Ph., Inspector
Frank VanFleet, R.Ph., Inspector
Sidney "Sid" Werges, R.Ph., Inspector
Barbara A. Wood, R.Ph., Inspector**



EXECUTIVE DIRECTOR

Kimberly A. Grinston, JD

OFFICE STAFF

**Tammy Siebert
Regina Divine
Don Walker
Jami Kallenbach
Kelly Bray**

**Executive Assistant
Pharmacist and Intern Coordinator
Compliance Coordinator
Pharmacy Technician Coordinator
Pharmacy and Drug Distributor Coordinator**

NOTE: At the beginning of fiscal year 2009, Matt Blunt served as Governor of the State of Missouri; Linda Bohrer was Acting Director of the Department of Insurance, Financial Institutions, and Professional Registration; David T. Broeker was Director of the Division of Professional Registration; and Debra C. Ringgenberg was the Executive Director of the Board.

ORGANIZATION AND DESCRIPTION OF THE BOARD OF PHARMACY

MISSION

The Board's mission is to promote, preserve and protect the public health, safety and welfare by assuring the provision of quality pharmaceutical care to the citizens of Missouri, through the regulation of the practice of pharmacy.

ORGANIZATION

The Missouri Board of Pharmacy is an agency within the Division of Professional Registration, Department of Insurance, Financial Institutions and Professional Registration. The Board was created by House Bill No. 87 of the General Assembly of 1909. The Board consists of seven (7) persons, one who is a public member and six (6) who are licensed pharmacists actively engaged in the practice of pharmacy. At least one of these members must be a person who provides, on a full-time basis, pharmaceutical services to a hospital, skilled nursing facility or an intermediate care facility. Board Members are appointed by the Governor and hold office for (5) years from the date of their appointment and until their successors have been appointed and qualified. Board Members appointed by the Governor are subject to approval of the Senate. Annually, the Board shall organize by the election of a president, and a vice president, each of whom serves for one year. The Board maintains a record of all of its proceedings through the maintenance of minutes for both its open and closed session meetings, pursuant to provisions in Chapters 610 and 324.

The Board appoints five members to an Advisory Committee for Drug Distributors. This committee advises and makes recommendations to the Board concerning any rule changes proposed involving the drug distributor licensing program. A list of the current members of the committee is available at the Board of Pharmacy office.

The Board is an active member of the National Association of Boards of Pharmacy, and a member of District 6 in NABP.

AUTHORITY AND FUNCTION

Sections 338.035, 338.140, 338.280 and 338.350 RSMo 2000 provide the Board authority to adopt rules and regulations for the application and enforcement of Chapter 338, RSMo. The Board has superintending control over the practice of pharmacy in the State of Missouri and its primary duties consist of:

1. Examining and licensing of applicants;
2. Renewing biennially, the licenses of qualified pharmacists, pharmacies, drug distributors, and renewing annually, the licenses of intern pharmacists;
3. Registering and renewing pharmacy technicians annually.
4. Investigation of complaints involving any licensee or registrant received including public complaints, information from other state and/or federal agencies, or violations discovered during routine inspections of pharmacy and drug distributor operations;
5. Suspending, revoking, or placing on probation the license of any pharmacist, pharmacy, drug distributor, or intern pharmacist found to be in violation of Chapter 338, RSMo;
6. Placing on conditional registration and maintaining the Technician Employment Disqualification List for pharmacy technicians found to be in violation of Chapter 338, RSMo;
7. Inspection of pharmacies and drug distributors; and
8. Approval of preceptors and intern training facilities.

Publications are available through the Board of Pharmacy, including the Annual Report and the Board of Pharmacy quarterly Newsletter.

\$\$ FINANCIAL INFORMATION \$\$

The Missouri Board of Pharmacy's appropriation for fiscal year ending June 30, 2009, was as follows:

Personal Service	\$ 940,068
Expense and Equipment	\$ 672,948
Criminal History Fund	\$ 150,000 E
Transfers*	\$ 609,792

*Transfers include:

- Rent
- Professional Registration
- PR IT
- Licensee Refunds
- Attorney General
- Administrative Hearing Commission
- DIFP Allocated Expenses
- OA Allocated Expenses

BOARD MEETING INFORMATION

During the fiscal year ending June 30, 2009, the Board met in regular session a total of 9 days and held six conference call and three email ballot meetings.



INSPECTION INFORMATION

During the fiscal year ending June 30, 2009, the board inspectors conducted a total of 1,210 regular inspections of pharmacies and drug distributors throughout the state. This total does not include additional trips to a pharmacy or drug distributor for follow-up inspections or investigations.

GOLD CERTIFICATES ISSUED

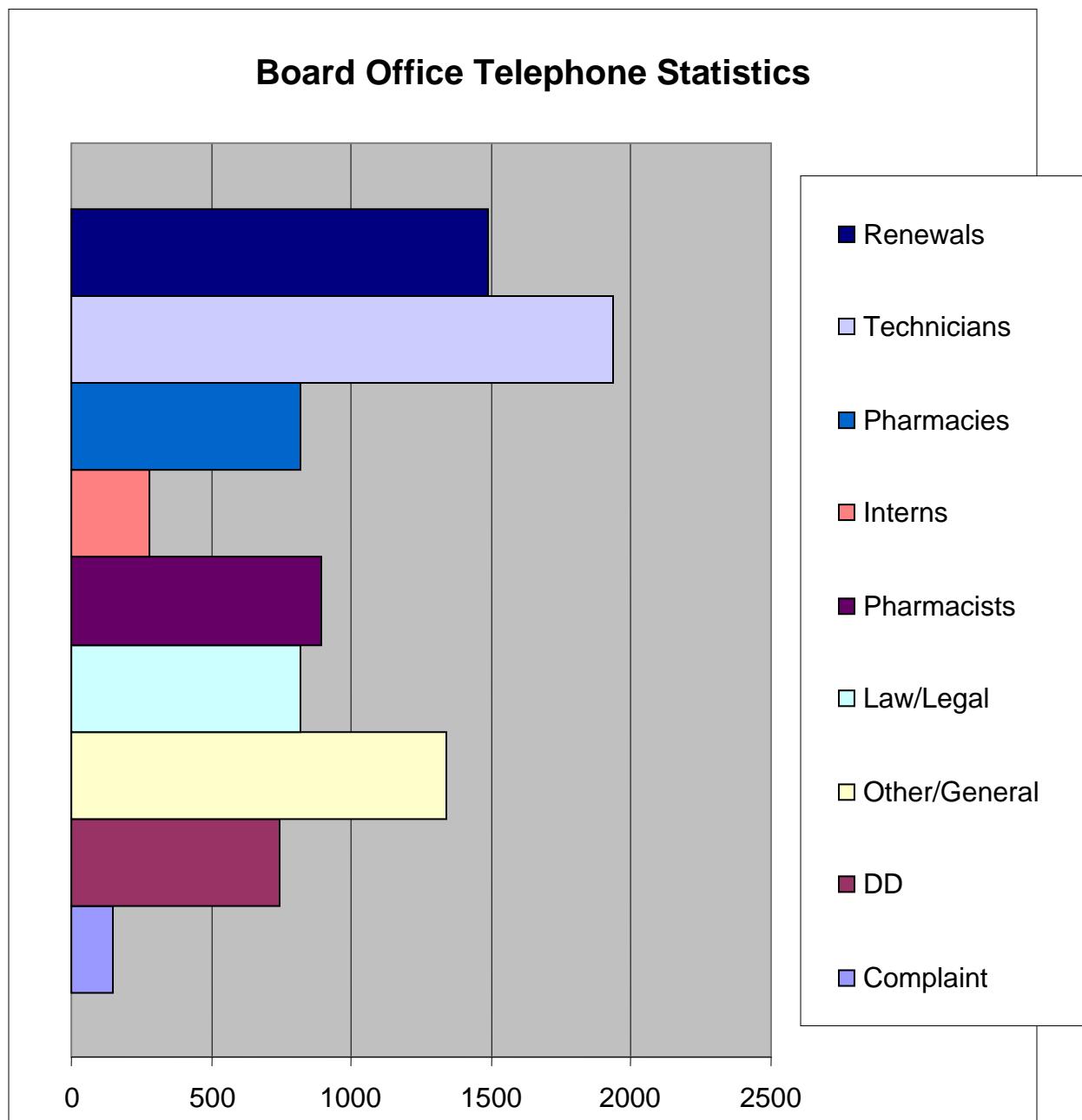
The following individuals received Gold Certificates during 2009, which are signed by the Board of Pharmacy Members and the Executive Director. The certificate represents fifty (50) years of active service as a Missouri pharmacist.

Arbini, Eugene A.	St. Louis, MO
Battle, Victor.	Kansas City, MO
Boshans, Bernhardt J.	Union, MO
Brasel, Ronald E.	Kirkwood, MO
Brockett, Thomas E.	Jackson, MO
Broussard, Paul D.	St. Louis, MO
Bruner, Merlin G.	Monett, MO
Cooper, Orvel L.	El Dorado Springs, MO
Cox, James A.	Louisiana, MO
Devine, Thomas J.	St. Louis, MO
Dille, James F.	Poplar Bluff, MO
Edmonds, Jr, Howard R.	Willard, MO
Elking, Dorothy F.	Philadelphia, PA
Gasser, Sandra E.	Kansas City, MO
Gasser, William	Kansas City, MO
Hatcher, Roy E.	Shelbina, MO
Herberholt, Jerome E.	Sappington, MO
Honer, Norman R.	Black Jack, MO
Iliff, Stewart M.	Warrenton, MO
James, Joseph L.	Sullivan, MO
Kammer, M.D.	Chesterfield, MO
Komar, Michael.	Ironton, MO
Mandelbaum, Robert J.	Chagrin Falls, OH
Merritt, Jesse E.	Buffalo, MO
Miller, Walter T.	Springfield, MO
Nathanson, Sanford G.	Chesterfield, MO
Pisoni, James C.	Arnold, MO
Price, Gordon H.	St. Louis, MO
Richmond, Rosalee J.	Shawnee Mission, KS
Richmond, William M.	Shawnee Mission, KS
Rosenthal, Frederick H.	St. Louis, MO
Seibert, Robert D.	Aurora, MO
Spainhower, Donald L.	Bolivar, MO
Tharenos, Nicholas M.	Chesterfield, MO
Thomas, Charles E.	Moberly, MO
Thomas, Jr, Glenn F.	Chillicothe, MO
Underwood, Donald L.	Independence, MO
Wightman, Thomas S.	Waterloo, IL
Zongker, Tommy R.	Springfield, MO



OTHER BOARD INFORMATION

During fiscal year 2009, Board of Pharmacy office staff received and responded to 8,544 incoming telephone calls, covering a variety of subjects. The major topics are indicated in the chart shown below.



COMPOUNDED DRUG TESTING REPORT

In 2003 the Board initiated a program to test drug preparations compounded by pharmacies. All preparations are tested for potency and, if applicable, sterility and endotoxins. The tables listed below are for the fiscal year ending June 30, 2009.

Dosage Form	Tests Performed
Capsule	49
Inhalation solution	1
Injection	3
I.V. solution	4
Irrigation solution	1
Oral solution	4
Oral suspension	161
Oral syrup	1
Powder	2
Suppository	2
Tablet	2
Transdermal	11
Troche	1

Test Results	Tests Performed	Percentage
Satisfactory	214	88.4%
Unsatisfactory	28	11.6%
Total	242	100%

All unsatisfactory results were related to potency failures. An acceptable potency range is considered +/- 10% of the expected potency, unless a U.S.P. monograph states a different range for a specific preparation. Failing potency results ranged from 0.0% to 145.2%. Pharmacies are notified of unsatisfactory results and asked to complete a quality assurance review of their compounding practices and provide a corrective action plan.

Drugs with Unsatisfactory Results	
Amitriptyline oral suspension	Lansoprazole oral suspension
Atenolol oral suspension	Metronidazole oral suspension
Azathioprine oral suspension	Omeprazole oral suspension
Biest capsules	Oxytocin/Lactated Ringers IV solution
Biest/Progesterone capsules	Progesterone capsules
Butalbital/APAP/Ergotamine capsules	Progesterone transdermal
Clonazepam oral suspension	Triest/Progesterone capsules
DES capsules	Vancomycin oral suspension
DHEA capsules	



COMPLAINTS FILED DISCIPLINE INFORMATION

**STATISTICS BELOW REFLECT TOTAL COMPLAINTS
FOR THE FISCAL YEAR ENDING JUNE 30, 2009**

Total Number of Complaints Received by the Board.....632

Breakdown of Complaint Allegations	
Adulterated Drugs	6
Compounding	17
Confidentiality	2
Counseling	2
Disciplinary Action in Another State	1
Department of Revenue Tax Compliance	258
Dispensing Errors	54
Drug Distribution Violations	15
Drugs	25
Ethical	9
Expired Drugs in Inventory	2
False Documents	1
Felony	3
Fraud – Unspecified	1
Fraudulent Prescriptions	6
Improper Dispensing	7
Incompetence	3
Licensure Applicant	38
Loss of Drugs	20
Misbranding	1
No Call/No Show	1
No Jurisdiction	6
Pharmacy Permit Violations	41
Practicing without a License	38
Previous Disciplinary Action	2
Recordkeeping	2
Rerepackaging/Prepackaging	2
Sexual Misconduct	1
Substitution	1
Theft of Drugs	40
Theft of Drugs – Sale to Others	2
Theft of Drugs – Self-Administration	1
Theft of Money	5
Unauthorized Dispensing	3
Unauthorized Refills	2
Unprofessional Conduct	2
Unsanitary Facility	3
Veterinary	1
Violation of Disciplinary Order	8

SOURCE OF COMPLAINTS

Complaints Received From Public	152
Complaints Received from Other Agencies	265
Complaints Received from Board or Inspectors	170
Complaints Received from Other State Boards	3
Complaints Regarding Licensing Issues	42

DISPOSITION

Cases Referred to Legal Counsel	67
Cease and Desist Letters Sent	1
Disposition Complete – Other	43
Individuals Requested to Meet with the Board	3
Investigations Requested/Not Complete	38
Letters of Concern Sent	68
Letters of Warning – Serious Violations Sent	160
License Approved	8
License Denied Letters	6
Miscellaneous Non-Administrative Board Letters Sent	0
No Action/Insufficient Evidence	52
Referred to Other Board/Agency	0
Technician Disqualification Letters Sent	104
Technician Conditional Employment Letters Sent	31

NOTE

Disposition numbers will not equal the number of complaints received and processed since some cases resulted in dual action; i.e., the pharmacist met with the Board and then received an administrative letter, or was referred to legal counsel for filing, etc.

DISCIPLINE

ACTIONS	
Complaints Filed with Administrative Hearing Commission	33
Disciplinary Hearings Held	7
Felony Hearings Held	0
Violation of Discipline Hearings Held	4
Settlement Agreements Entered	49
Restricted Licenses Issued Pursuant to Section 620.149	2

DISCIPLINE RESULTS	
Technician Registrations Suspended 324.010	257
Intern Licenses Revoked	1
Pharmacist Licenses Censured	4
Pharmacist Licenses on Probation	18
Pharmacist Licenses Suspended Followed by Probation	6
Pharmacist Licenses Revoked	4
Pharmacy Permits Censured	8
Pharmacy Permits on Probation	13
Pharmacy Permits Revoked	1
Drug Distributor Licenses on Probation	1
Restricted Pharmacist Licenses Issued Pursuant to Section 324.038	2
Restricted Pharmacy Permits Issued Pursuant to Section 324.038	3
Restricted Drug Distributor Licenses Issued Pursuant to Section 324.038	1
Intern Licenses Voluntary Surrender	1
Pharmacist Licenses Voluntary Surrender	2
Pharmacy Permits Voluntary Surrender	2
Drug Distributor Licenses Voluntary Surrender	1

NOTE

Since the time frame of cases from point of first review to the final disposition may be lengthy, the totals shown above will not necessarily balance. A case may be reviewed by the Board, referred to legal counsel, filed with the Administrative Hearing Commission and be decided by disciplinary hearing, consent order or otherwise, all in separate fiscal years.

CENSUS OF LICENSED PHARMACISTS AS OF JUNE 30, 2009

TOTAL PHARMACISTS INSTATE AND OUT OF STATE

Total Licensed Pharmacists	8,303
Active license	8,016
Male	4,117
Female	3,899
Inactive license	287
Male	154
Female	133

TOTAL NUMBER OF PHARMACISTS RESIDING IN MISSOURI

Active License – Practicing Pharmacy	5,293
Male	2,781
Female	2,512
Inactive License – Not Practicing Pharmacy	70
Male	39
Female	31

AGE GROUP BREAKDOWN OF INSTATE AND OUT-OF-STATE ACTIVE PHARMACISTS (AS OF JUNE 30, 2009)

Under the age of 30	917
Ages 30-39	2,057
Ages 40-49	1,775
Ages 50-59	1,959
Ages 60-69	964
Ages 70-79	301
Ages 80-89	41
Ages 90+	2



CENSUS OF LICENSED PHARMACIES AS OF JUNE 30, 2009

Total Licensed Pharmacies as of June 30, 2009	1,900
Instate Pharmacies.....	1,409
Non-Resident Pharmacies.....	491
Temporary Pharmacies	5



BREAKDOWN OF INSTATE PHARMACIES BY CLASSIFICATION

Class A - Retail Pharmacies	427
Class B - Hospital Pharmacies.....	104
Class C - LTC Pharmacies.....	14
Class D - Non-Sterile Compounding.....	0
Class E - Radiopharmaceutical	13
Class F - Renal Dialysis Pharmacies	1
Class G - Medical Gas Pharmacies	0
Class H - Sterile Products	2
Class I - Consultant Pharmacy.....	6
Class J - Shared Services Pharmacy	1
Class K – Internet	0
Pharmacies with Multiple Classifications.....	841

**CENSUS OF
DRUG DISTRIBUTORS/MANUFACTURERS
LICENSED AS OF JUNE 30, 2009**

Drug Distributors Licensed with a Permanent License	1,264
Drug Distributors Licensed with a Temporary License.....	119
Out-of-State Manufacturers Registered.....	111



NOTE

Any out-of-state drug company or manufacturer that ships/transfers legend drugs or devices into this state is required to obtain an out-of-state drug distributor license with this office.

Upon receipt of a license application, the company is issued a temporary license. This temporary license is valid for a period of one (1) year or until the application has been completely processed by this office, at which time, a permanent license is issued or the application is denied by the Board.

All in-state drug companies that ship/transfer legend pharmaceuticals are also required to obtain licensure with this office.

Any pharmacy that distributes legend drugs to any entity other than the consumer (the patient), such as other pharmacies, physicians, etc., must obtain a drug distributor's license if that type of distribution exceeds 5% of the pharmacy's total gross sales of legend products.

CENSUS OF INTERNS AND TECHNICIANS AS OF JUNE 30, 2009

Licensed Interns	1,593
Registered Pharmacy Technicians	15,942

MISSOURI BOARD OF PHARMACY
INSPECTORS AND COUNTIES ASSIGNED

#1 VanFleet	#2 McConnell	#3 Glenski	#4 Kidd	#5 Wood	#6 Smith	#7 Werges	#8 Marshall
Barton	Barry	Adair	Butler	Bollinger	Clark	Audrain	Benton
Bates	Christian	Andrew	Carter	Cape Girardeau	Knox	Boone	Buchanan
Cass	Douglas	Atchison	Iron	Dunklin	Lewis	Callaway	Caldwell
Cedar	Greene	Davies	Jefferson	Madison	Lincoln	Cole	Camden
Dade	Howell	DeKalb	Reynolds	Mississippi	Marion	Cooper	Carroll
Jackson	Jasper	Gentry	Ripley	New Madrid	Pike	Crawford	Chariton
St. Clair	Lawrence	Grundy	Shannon	Pemiscot	Ralls	Dallas	Clay
Vernon	McDonald	Harrison	St. Francois	Perry	Scotland	Dent	Clinton
	Newton	Holt	STL City	Scott	Shelby	Franklin	Henry
	Oregon	Linn	STL County	St. Charles	STL City	Gasconade	Hickory
	Ozark	Livingston	Washington	Ste. Genevieve	STL County	Howard	Johnson
	Stone	Mercer		STL City	Warren	Laclede	Lafayette
	Taney	Nodaway		STL County		Maries	Macon
	Texas	Putnam		Stoddard		Miller	Pettis
	Webster	Schuyler		Wayne		Moniteau	Platte
	Wright	Sullivan				Monroe	Polk
		Worth				Montgomery	Randolph
						Morgan	Ray
						Osage	Saline
						Phelps	
						Pulaski	
			Pharmacies in St. Louis City & County South of Hwy. 40	Drug Distributors in St. Louis City & County South of Hwy. 40	Pharmacies & Drug Distributors in St. Louis City & County North of Hwy. 40		